

Federal Communications Commission

MAIL ROOM
DA 00-2604

Before the
Federal Communications Commission
Washington, D.C. 20554

2000 NOV 20 P 4:10

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Brightwood, Madras, Bend and
Prineville, Oregon)¹

MM Docket No. 00-8750
RM-9870
RM-9961

ORDER TO SHOW CAUSE**Adopted: November 8, 2000****Released: November 17, 2000**

Comment Date: January 8, 2001

Reply Comment Date: January 23, 2001

By the Chief, Allocations Branch:

1. The Commission has before it the Notice of Proposed Rule Making, 15 FCC Rcd 8964 (2000), proposing the allotment of Channel 251C3 to Brightwood, Oregon, as the community's first local aural service, as requested by Muddy Broadcasting Company ("Muddy"). A counterproposal was filed by Madras Broadcasting ("Madras Broadcasting") requesting the allotment of Channel 251C1 to Madras, Oregon, as the community's first local aural service.² To accommodate the Madras allotment, it also requests the substitution of Channel 253C3 for Channel 252C3 at Bend, Oregon, the modification of Station KTWS(FM)'s license to specify the alternate Class C3 channel, and the substitution of Channel 255C3 for unoccupied and unapplied-for Channel 254C3 at Prineville, Oregon.³ To enable us to select between these competing proposals in the context of a subsequent Report and Order, we are issuing this Order to Show Cause to the licensee of Station KTWS(FM).

2. We believe that both proposals in this proceeding could provide significant public interest benefits. Because changing the channel of Station KTWS(FM) is a modification of the license within the purview of Section 316 of the Communications Act of 1934, as amended, we are

¹ The communities of Madras, Bend and Prineville, Oregon, have been added to the caption.

² Public Notice of the filing of the counterproposal was given on September 20, 2000, Report No. 2440.

³ Although presently unapplied for, Channel 254C3 at Prineville is one of the channels included in the Commission's Auction No. 37 of Additional FM Broadcast Construction Permits scheduled for February 21, 2001. See, Public Notice released September 29, 2000, DA 00-2232, 65 FR 59841, October 6, 2000. If Channel 255C3 is substituted for Channel 254C3 at Prineville as requested by Madras Broadcasting and a construction permit awarded prior to the conclusion of this proceeding, the permittee will be required to amend its application to specify the alternate Class C3 channel.

issuing an Order to Show Cause to Combined Communications, Inc., licensee of Station KTWS(FM), to show cause why its license should not be modified as proposed herein. In accordance with Commission policy, Madras Broadcasting has stated its intention to reimburse Combined Communications for the reasonable costs associated with the channel substitution.

3. Channel 251C1 can be allotted to Madras in compliance with the Commission's minimum distance separation and other technical requirements with a site restriction of 36.4 kilometers (22.6 miles) northeast to avoid a short-spacing to Station KKTT, Channel 250C, Eugene, OR, Channel 253C3 can be allotted to Bend and used at Station KTWS's presently licensed transmitter site and Channel 255C3 can be allotted to Prineville at the Channel 254C3 allotment reference coordinates.⁴

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Combined Communications, Inc., licensee of Station KTWS, Bend, Oregon, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 253C3 in lieu of Channel 252C3, as proposed herein.

5. Pursuant to Section 1.87 of the Commission's Rules, Combined Communications, Inc. may, not later than January 8, 2001, file a written statement showing with particularity why its license should not be modified as proposed in the Order to Show Cause. The Commission may call on Combined Communications, Inc. to furnish additional information. If Combined Communications, Inc. raises a substantial and material question of fact, a hearing may be required to resolve such a question pursuant to Section 1.87. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, Combined Communications, Inc. will be deemed to have consented to the modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the above-mentioned channel modification is ultimately found to be in the public interest.

6. IT IS FURTHER ORDERED, That the Secretary SHALL SEND, by Certified Mail, Return Receipt Requested, a copy of the Order to Show Cause to the following: Station KTWS, Combined Communications, Inc., 4222 Commerce Street, Eugene, OR 97402.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by

⁴ The coordinates for Channel 251C1 at Madras are 44-50-02 NL; 120-45-55 WL, the coordinates for Channel 253C3 at Bend are 44-04-41 NL; 121-19-57 WL and the coordinates for Channel 255C3 at Prineville are 44-13-20 NL; 120-46-30 WL.

any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau